

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

MARIJA PAUNOVIC and DUSAN  
PAUNOVIC, individually and on behalf of all  
others similarly situated,

Plaintiffs,

v.

OBI SEAFOODS LLC, an Alaska  
corporation, and OCEAN BEAUTY  
SEAFOODS LLC, an Alaska corporation,

Defendants.

NO. 2:21-cv-00884-MJP

**STIPULATED MOTION AND  
ORDER TO EXTEND DEADLINE  
FOR PLAINTIFFS' MOTION FOR  
CLASS CERTIFICATION**

**NOTED FOR CONSIDERATION:  
MARCH 16, 2022**

**I. STIPULATION**

On March 7, 2022, the Parties filed a stipulated motion under LCR 7(d)(1) and LCR 10(g) to extend the scheduling deadlines in this matter by 60 days from the Court's decision on the motion for conditional certification. The purpose of the motion was primarily to allow the Parties to resolve certain discovery disputes before the motion for class certification deadline. The Court denied that motion without prejudice on March 11, 2022, ruling that more details were necessary to justify the change and noting that no discovery motions had yet been filed. Dkt. 38. This stipulated motion adds details about the nature of the discovery issues, notifies the Court that at least one discovery motion will be filed by March 18, 2022, and narrows the Parties' request to a 60-day adjustment of the class certification deadlines and a shorter adjustment to the deadlines for discovery related motions and discovery.

1 On October 22, 2021, Defendants moved to transfer this case to the District of Alaska  
2 contending that, among other things, if discovery proceeded while the case remained in the  
3 District of Washington that Defendants would incur unfair and unnecessary costs. Dkt. 20 at 15.  
4 The Court denied that motion on December 27, 2021. Dkt. 27.

5 On January 4, 2022, Plaintiffs served Defendants with discovery requests pursuant to  
6 Rules 33 and 34 of the Federal Rules of Civil Procedure. Defendants requested and received  
7 from Plaintiffs a two-week extension of time to respond. In this same period, the Parties briefed  
8 Plaintiffs' motion for conditional certification of an FLSA collective, filed February 14, 2021.  
9 On February 18, 2021, Defendants provided their written responses to discovery.

10 Among other things, Plaintiffs sought discovery Plaintiffs maintain is relevant to class  
11 certification, including: the number of fish processing employees at different worksites; the  
12 number of fish processing employees who were not paid on a biweekly basis one or more times  
13 within the relevant class period; the reasons for the differences in employee pay periods; the  
14 contents and degree of standardization of Defendants' employment agreements; Defendants'  
15 written policies concerning quarantine compensation and pay periods; and timekeeping and  
16 payment records.

17 Defendants have not yet produced any documents beyond initial disclosures and objected  
18 to answering Plaintiffs' interrogatories that seek information related to the proposed class.  
19 Defendants contend that discovery relevant to proposed class members other than Plaintiffs is  
20 premature before a class is certified. On March 8, 2022, Plaintiffs sent Defendants a lengthy  
21 deficiency letter challenging ten aspects of Defendants' written responses, including assertions  
22 that general objections are categorically improper and that discovery about absent class members  
23 prior to class certification is not premature. Plaintiffs also noticed the Rule 30(b)(6) depositions  
24 of both Defendants for March 16, 2022, and designated more than 45 topics for examination for  
25 each deposition. Defendants raised concerns about the proposed timing and scope of the  
26 depositions as noticed including a lack of at least 14 days' advance notice for the depositions.  
27

1 The Parties engaged in some preliminary conferral efforts by email between March 8–11,  
2 2022, and counsel for the Parties met by video conference at the earliest mutually possible time,  
3 which was March 15, 2022. They conferred at length about the discovery. The Parties made  
4 progress on the issues in dispute regarding the initial scope of the proposed depositions,  
5 including a preferred alternative schedule to enable a mutually convenient timing for the  
6 depositions, but could not reach agreement as to Plaintiffs’ demands that Defendants withdraw  
7 their general objections and class-based discovery objections. The Parties agreed to revisit the  
8 remaining issues concerning specific objections and production timelines on March 16, 2022,  
9 and again as necessary on March 17, 2022, to determine whether any of those matters can be  
10 resolved without the Court’s intervention.

11 Accordingly, Plaintiffs intend to move by Friday, March 18, 2022, to compel Defendants  
12 to withdraw their general objections (to the extent continued conferrals do not resolve this issue)  
13 and objections to producing discovery Plaintiffs maintain is relevant to proposed class members  
14 before a class is certified, and to ask the Court to compel them to produce the documents and  
15 answer the interrogatories withheld pursuant to those objections. That motion may also include  
16 other topics if the Parties are unable to resolve them before Plaintiffs file their motion.

17 Plaintiffs do not yet have all of the discovery relevant to that motion to which they  
18 believe they are entitled and will be unable to obtain it prior to March 25, 2022.

19 Additionally, the Court’s resolution of the motion for conditional certification may  
20 resolve or narrow other disputes in this case - potentially mooted some disputes over class  
21 discovery and the scope of the proposed depositions, resolving issues related to the Parties’  
22 disputes over class certification, and potentially aligning the timelines for any decertification  
23 motion by Defendants and the motion for class certification by Plaintiffs.

24 The Parties anticipate that it will be necessary to adjust other deadlines in response to this  
25 change depending upon how discovery proceeds, the outcome of the Plaintiffs’ motion for class  
26 certification and any other motion practice by the Parties. But consistent with the Court’s recent  
27 Order (Dkt. 38) and in order to avoid disrupting the entire case schedule unless and until it

proves necessary, they have narrowed their present request to seek an adjustment of only the class certification briefing schedule and discovery related deadlines. Nothing herein should be construed as a waiver by either Party to seek additional adjustments to these deadlines or others in the case schedule.

Given these circumstances, the Parties agree and stipulate, subject to the Court's approval, to an extension as follows:

EVENT	CURRENT DEADLINE	NEW DEADLINE
Deadline for Plaintiffs to File their Motion for Class Certification	March 25, 2022	May 24, 2022
Deadline for Defendants' Response to the Motion for Class Certification	April 22, 2022	June 21, 2022
Deadline for Plaintiffs' Reply to the Motion for Class Certification	May 6, 2022	July 5, 2022
Deadline for Discovery Related Motions	June 8, 2022	July 15, 2022
Deadline for Discovery	July 8, 2022	August 31, 2022

RESPECTFULLY SUBMITTED AND DATED this 16th day of March, 2022.

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CERTIFICATION - 4

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*Attorneys for Defendants OBI Seafoods,  
LLC and Ocean Beauty Seafoods LLC*

**II. ORDER**

Based on the foregoing parties' stipulation and for good cause, IT IS HEREBY ORDERED THAT the current deadlines regarding the motion for class certification are extended by 60 days, such that the motion is now due on May 24, 2022, the response is due June 21, 2022, and the reply is due July 5, 2022. IT IS FURTHER ORDERED that the current deadline for discovery motions is extended to July 15, 2022, and the deadline for completion of discovery is extended to August 31, 2022.

Dated this 24th day of March, 2022.



Marsha J. Pechman  
United States Senior District Judge